### 专利合作条约 DCT

# **PCT**

专利性国际初步报告 (PCT 第II章) (PCT 36 和细则 70)

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申请人或代理人的档案号 OP040074P	关于后续行为	参见 PCT/IP	EA/416 表
国际申请号	国际申请日(日/月	]/年)	优先权日(日/月/年)
PCT/CN2004/001	411 03.12 月 2004	(03.12.2004)	05.12月 2003(05.12.2003)
国际专利分类(IPC)或者国 IPC <sup>7</sup> : A61K9/48, A6 <sup>7</sup>			
申请人	制药技术(石家庄)有限公司	<b>笙</b>	
1. 本报告是国际初步审	i 查单位根据条约 35 做出的国	际初步审查报价	告,并依照条约 36 将其传送给申请人。
2. 本报告共计3页,包	括扉页。		
────────────────────────────────────	际局和申请人)共计页, 的并且作为本报告基础的说明  际初步审查单位所做出的更正 步审查单位认为修改超出原始	书修改页、权利 页(见 PCT 细贝公开范围的取作 公开范围的取作的类型和数量)	代页,参见第 1 栏第 4 项和补充栏。 ,包含有在与序列表有关的补充栏中
4. 本报告包括关于下列			
Ⅰ 図 报告的基础	đ		
Ⅱ □ 优先权			
m □ 不做出关	F新颖性、创造性和工业实用性	生的意见	
IV □ 缺乏发明的	<b></b> 自 単 一性		
V 🛛 按条约 35	2)关于新颖性、创造性或工业	实用性的理由;	支持这种意见的引证和解释
VI 🔲 引用的某	<b>些文件</b>		
VII □ 国际申请 <sup>r</sup>	中的某些缺陷		
VIII □ 对国际申i	<b>青的某些意见</b>		
提交要求书的日期		完成本报告	
27.6 月 20	005 (27.06.2005)		05.9月2005 (05.09.2005)
中华人民共和国国家知 中国北京市海波	只产权局 IPEA/CN 区西土城路 6 号(100088)	受权官员	25  5
<b>住官号。(96-10)620194</b> 5	1	电话号码	(86-10)62085085

## 专利性国际初步报告

国际申请号	
PCT	/CN2004/001411

I. 报告的基础	
1. 关于语言,本报告将基于:	
☑ 申请提出时使用的语言。	·
□ 该申请的语言译文,提供该种语言的译文	<u>C</u> 是
□ 为了国际检索而提交的译文所使用的语言	(细则 12.3 和 23.1(b))。
□ 为了国际申请的公布而提交的译文所使用的	
□ 为了国际初步审查而提交的译文所使用的记	语言(细则55.2和/或55.3)。
2. 关于国际申请中各个部分,本报告基于(申请人为答	
报告中视为"原始提交"的文件,不作为本报告的附件》	
<ul><li>☑ 原始提交的国际申请。</li><li>☑ 说明书, 第页</li></ul>	原始提交的,
第页	初中平近次到100
1	如中华区 <del>以到</del> 时。
	原始提交的, 按条约 19 条修改的(附有说明), 加索单位收到的
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	初审单位收到的, 初审单位收到的。
第页*,	的补充栏。
3. 修改导致以下内容的删除:	
□ 说明书, 第	页
□ 权利要求, 第	
□ 附图, 第页	,图
□ 序列表 <i>(具体说明)</i>	
□ 与序列表相关的表格 <i>(具体说明)</i>	·
4. □ 由于本报告附件的(某些)修改,如下所列,被让	人为超出了原始公开的范围,如补充栏所示,因此本报告是
按照没有修改的情况做出的(细则 70.2(c))。	
□ 说明书, 第	页
□ 权利要求, 第	项
□ 附图, 第页, 图_	
□ 序列表(具体说明) ——	
□ 与序列表相关的表格(具体说明)	
*如果第 4 项适用,一些或全部的文件页可能做出"被取代	." 标记。

#### 专利性国际初步报告

国际申请号	_
PCT/CN2004/001411	

v.	按条约 35 (2)关于新	f颖性、创造性或工业实用性的意见;支持这种理由的引证和解释	
1.	意见		
	新颖性(N)	权利要求 1-11	是
		权利要求	吞
	创造性(IS)	权利要求 1-11	是
		权利要求	杏
	工业实用性(IA)	权利要求 1-11	是
		权利要求	

- 2. 引证和解释 (细则 70.7)
- 1) 对比文件: CN1375288A(周桂荣)23.10.2002 CN1257706A(中国医学科学院药物研究所)28.06.2000 WO95001574A(MOBIUS CONSULTANCY PIY LTD(AU))05.01.1995
- 2) 新颖性 (Art.33(2) PCT) 和创造性 (Art.33(3) PCT)

D1 公开了可制成注射液、输注液和各种口服剂型,含治疗脑血管疾病有效量的丁苯酞和磷脂乳化而成的脂质体(参见全文); D2 公开了丁苯酞在制备抗血栓形成及抗血小板聚集药物中的应用(参见全文); D3 公开了治疗炎性疾病的方法及治疗剂,其中所述化合物包含丁苯酞(参见全文)。这些对比文件都没有公开通过选择本发明中的特定辅料而将丁苯酞制成软胶囊的技术方案或有关技术启示,因此权利要求 1-11 具备新颖性,而且由于权利要求 1-11 中的技术方案是对本领域的技术人员来说是非显而易见的,因此这些权利要求具备创造性。

3) 工业实用性(Art.33(4) PCT)

权利要求 1-11 请求保护的包合物及其制备方法都可在工业上实施,因此具备工业实用性。

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/CN2004/001411

Box	No. I	Basis of t	he report	
1.	With	regard to the	anguage, this report is based on:	
	$\boxtimes$		onal application in the language in which it was filed	
		a translation	of the international application into, wh	ich is the language of a
			mished for the purposes of:	
			nal search (Rules 12.3(a) and 23.1(b))	
			on of the international application (Rule 12.4(a))	
			onal preliminary examination (Rules 55.2(a) and/or 55.3(a))	
2.	to th	n regard to the ne receiving O exed to this re	elements of the international application, this report is based on (replacement of the first of the international application, this report of the first of the internation of the first of	sheets which have been furnished as "originally filed" and are not
	$\boxtimes$	the internation	onal application as originally filed/furnished	
		the descripti	on:	to to all to Elect / Granish ad
		pages _		as originally filed/furnished
		pages *	received by this Authority on	
		pages *	received by this Authority on	
	П	the claims:		
		pages		as originally filed/furnished
1		pages *	as amended (together wi	th any statement)under Article 19
		pages *	received by this Authority on	
Ì		pages *	received by this Authority on	
		the drawing pages pages * pages *	received by this Authority on received by this Authority on	as originally filed/furnished
2			isting and/or any related table(s) - see Supplemental Box Relating to Sequence in the cancellation of:	Listing.
3.	. Ц			
			escription, pages	
		_	laims, Nos.	
		_	rawings, sheets/figs	<del></del>
		_	requence listing (specify):	
		☐ any	table(s) related to sequence listing (specify):	<del></del>
4.		since they	as been established as if (some of) the amendments annexed to this report and l have been considered to go beyond the disclosure as filed, as indicated in the St	applemental Box (Rule 70.2(c)).
1			description, pages	
		<del>_</del>	claims, Nos.	
			drawings, sheets/figs	
		_	sequence listing (specify):	· ·
1			table(s) related to sequence listing (specify):	
	*	If item 4 appl	es, some or all of those sheets may be marked "superseded."	

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/CN2004/001411

ox No. V Reasoned statement under citations and explanations	supporting such s	regard to novelty, inventive step of tatement	
Statement:			
Novelty (N)	Claims 1-	11	YES
Hovery (11)			210
Inventive step (IS)	Claims 1-	11	YES
			370
Industrial applicability (IA)	Claims 1-	·11	YES
•			
<ol><li>Citations and explanations (Rule 70.</li></ol>			
		ients:	
) Reference is made to the fol D1: CN1375288A (ZHOU Guiro	mg) 23.10.2002		
D2: CN1257706A (CHINESE A	CAD MEDICA	L SCI INST MEDICAL MA) 2	8.06.2000
D3: WO9500157A (MOBIUS C	ONSULTANCY	FTY, LTD) 05.01.1995	
) Novelty (Art.33(2) PCT) an	d inventive st	ep (Art.33(3) PCT):	
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of disclosed a liposome comp	osed of butyl	nthande and phosphatide of	mulsification for treatment
erebrovascular disease (see the wi	nole); D2 disclo	sed an application of butylphin ee the whole): D3 disclosed a	method for the treatment of
terebrovascular disease (see the whether the thrombosis and thrombocytes)	nole); D2 disclo e coagulation (s erapeutic agent	sed an application of butylphin ee the whole); D3 disclosed a thereof including butylphthallid	nethod for the treatment of the and filler (see the whole).
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